

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 01-10057-MLW
)	
SANDY FELIX REYES,)	
a/k/a "Junior")	
)	

MEMORANDUM AND ORDER

WOLF, D.J.

November 24, 2010

Defendant Sandy Reyes is serving a 98 month sentence for conspiracy to distribute heroin. He has filed a motion to reduce his sentence pursuant to 18 U.S.C. §3582(c)(2), which allows a court to modify a defendant's sentence based on an amendment to the Sentencing Guidelines "if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. §3582(c)(2). Specifically, Reyes relies on Amendment 591, which requires that the initial selection of the offense guidelines be based only on the statute of conviction rather than on judicial findings of actual conduct.

The government opposes Reyes' motion on the grounds that Reyes' offense did not involve crack cocaine, and thus Amendment 706, which generally retroactively reduces by two levels the offense level for crimes involving crack cocaine, does not affect Reyes's sentence. However, Reyes's motion is not based on Amendment 706, but on Amendment 591. Accordingly, it is hereby ORDERED that the government shall file, by December 15, 2010, a

supplemental response to Reyes' motion for reduction of sentence
(Docket No. 214) that addresses Amendment 591.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE